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FEDERAL ELECTION COMMISSION

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BEFORE THE FEDERAL ELECTION COMMISSION

CELA

In the Matter of)
) MUR 7080
Paul Babeu; Paul Babeu for Congress)
and Chris Marston in his official capacity)
as treasurer; Pinal County Sheriff's)
Office)

CERTIFICATION

I, Laura E. Sinram, recording secretary of the Federal Election Commission executive session, do hereby certify that on October 24, 2017, the Commission took the following actions in the above-captioned matter:

1. Decided by a vote of 5-0 to:

- a. Find no reason to believe that Pinal County Sheriff's Office made, and Paul Babeu, Paul Babeu for Congress and Chris Marston in his official capacity as treasurer accepted, an unreported and excessive in-kind contribution in the form of a coordinated mailer in violation of 52 U.S.C. §§ 30104(b), 30116(a)(1); 11 C.F.R. §§ 109.21(b), 104.13(a), 104.3, or 110.1(b).
- b. Adopt the Factual and Legal Analysis as recommended in the First General Counsel's Report dated December 15, 2016, and as amended by the General Counsel's Office on August 16, 2017, and further amended by Commissioner Weintraub as described at the table as to that portion.

Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

2. Failed by a vote of 2-3 to:

- a. Dismiss the potential violations by Paul Babeu under 52 U.S.C. §§ 30125(e)(1),(f)(1) or 11 C.F.R §§ 300.61, 300.71 regarding the use of nonfederal funds.
- b. Dismiss the allegation that Paul Babeu, Paul Babeu for Congress and Chris Marston in his official capacity as treasurer accepted an unreported in-kind contribution in the form of internet communications in violation of 52 U.S.C. § 30104(b)(3) or 11 C.F.R. § 104.3(a)(4).
- c. Adopt the rest of the edited Factual and Legal Analysis, as originally recommended in the First General Counsel's Report dated December 15, 2016, and subsequently edited by the General Counsel's Office on August 16, 2017.
- d. Approve the appropriate letters.
- e. Close the file.

Commissioners Walther and Weintraub voted affirmatively for the motion.

Commissioners Goodman, Hunter, and Petersen dissented.

3. Failed by a vote of 3-2 to:

- a. Find no reason to believe Paul Babeu violated 52 U.S.C. §§ 30125(e)(1),(f)(1) or 11 C.F.R §§ 300.61, 300.71 regarding the use of nonfederal funds.
- b. Find no reason to believe the allegation that Paul Babeu, Paul Babeu for Congress and Chris Marston in his official capacity as treasurer accepted an unreported in-kind contribution in the form of internet communications in violation of 52 U.S.C. § 30104(b)(3) or 11 C.F.R. § 104.3(a)(4).
- c. Dismiss the allegation that respondents accepted an unreported in-kind contribution in the form of personal services of employees paid by the Pinal County Sheriff's Office in violation of 52 U.S.C. § 30104(b)(3) or 11 C.F.R. § 104.3(a)(4).

- d. Approve the Factual and Legal Analysis as to these findings, as recommended in the First General Counsel's Report dated December 15, 2016 and last amended and distributed by Commissioner Goodman's Office on June 7, 2017.

Commissioners Goodman, Hunter, and Petersen voted affirmatively for the motion.

Commissioners Walther and Weintraub dissented.

4. Decided by a vote of 5-0 to:

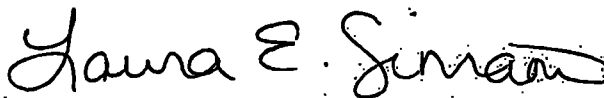
- a. Approve the appropriate letters.
- b. Close the file.

Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

10/23/17

Date



Laura E. Sinram

Deputy Secretary of the Commission